(c) Claims 4, 13, 23 and 32 are rejected for obviousness over Yamada et al. and Yamazaki et al. '652 further in view of Choi et al. (US 6,583,577).

Each of these rejections is respectfully traversed.

Applicant has previously traversed these rejections, but the Examiner does not appear to understand the basis of Applicant's position. Accordingly, Applicant will explain its position in greater depth and provide further reasonings as to why these rejections are improper. In particular, it is Applicant's position that the Examiner's rejections in the Final Rejection fail to establish a prima facie case of obviousness and therefore should be withdrawn.

Under 35 U.S.C. §103, the burden is on the PTO to produce evidence that the claimed invention is prima facie obvious. In re Rijckaert, 9 F.3d 1531, 1532, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993); In re Fine, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). If the PTO fails to make out a prima facie case of obviousness, then the rejection is improper, should be overturned, and Applicant is entitled to a patent. Rijckaert, 9 F.3d at 1532, 28 USPQ2d at 1956; In re Nielson, 816 F.2d 1567, 1572, 2 USPQ2d 1525, 1528 (Fed. Cir. 1984); In re Gordon, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984). A prima facie of obviousness cannot be based on a combination of references wherein the combination of references is based on hindsight reconstruction using the claimed invention as a template. In re Fritch, 972 F.2d 1260, 1266 23 USPQ2d 1780, 1784 (Fed. Cir. 1992); In re Oetiker, 24 USPQ2d 1443, 1444-1446 (Fed. Cir. 1992). There must be some teaching, suggestion or motivation in order to combine references in order to establish a prima facie case of obviousness. Id.

In making the §103 obviousness rejection over Yamada et al. in view of Yamazaki et al. '652 in the Final Rejection, the Examiner contends that "[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the teachings of using the a source driver circuit for applying as analog signal of RGB to the EL element; and a correction circuit for gamma-correcting the analog image signal as taught by Yamazaki et al. into

the device system of Yamada et al., because this would provide an analog signals transmitted from outside are RGB signals having a horizontal and vertical synchronization signals and performing extension of a time axis and are outputted as analog signals, (see column 17, lines 55-62)." Page 3 of Final Rejection.

The Examiner also contends that "[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the teachings of using the memory as taught by Yamazaki et al. into the device system of Yamada et al. because this would for performing extension of a time axis and are outputted as analog signals (see VRAM 17, column 17, lines 59-62)." Page 3 of Final Rejection.

The Examiner further contends that [i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the teachings of using gamma-correcting is independently applied for each of signals of blue, green and red as taught by Yamazaki et al. into the system of Yamada et al. because this would provide an improvement an EL display having correction values for driving conditions of individual surface of the electron beam." Page 4 of Final Rejection (no citation given in support thereof and Applicant can find nothing in the references to support this statement).

However, column 17, lines 55-62 of Yamazaki '652, which the examiner relies upon, states:

"Analog signals transmitted from the outside are an R signal 11, a G signal 12, a B signal 13, a horizontal synchronization signal 14, and a vertical synchronization signal 15. The RGB signals 11 to 13 pass through an A/D converter 16, a VRAM 17 (performing extension of a time axis), a τ correction+polarity inversion circuit 18, and a D/A converter 19, and are outputted as analog signals." (emphasis added)

Hence, it is respectfully submitted that these statements by the Examiner and the citation to Yamazaki '652 are insufficient to show a teaching or motivation to combine the references.

The first two "explanations" do not provide a motivation as to why one skilled in the art would combine these references. Instead, the "explanations" appear to be based on the claims of the present application. Further, it appears that the Examiner seems to regard VRAM 17 of Yamazaki '652 as a rationale or motivation. However, VRAM 17 is quite different from, and not directly related to, the correction and polarity inversion circuit 18. The third "explanation" appears to be unsupported by the references.

Therefore, the final Rejection fails to provide the required teaching or motivation to combine references. Hence, unless the Examiner provides a more sufficient motivation for the combination of these references, a prima facie case of obviousness has not been established, and these rejections should be withdrawn.

Conclusion

Accordingly, it is respectfully submitted that the present application is in a condition for allowance and should be allowed.

Please charge our deposit account 50/1039 for any further fee for this response.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

Dated: April 28, 2005

Mark J. Murphy
Registration No.: 34,225

COOK, ALEX, McFARRON, MANZO,
CUMMINGS & MEHLER, LTD.
200 West Adams Street, Suite 2850
Chicago, Illinois 60606
(312) 236-8500

Customer No. 000026568